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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,989	10/13/2005	Peter Forsell	2333-137	4862
23117 7590 03/09/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
STOKLOS, JOSEPH A				
ART UNIT		PAPER NUMBER		
3762				
MAIL DATE		DELIVERY MODE		
03/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/527,989

**Applicant(s)**

FORSELL, PETER

**Examiner**

JOSEPH STOKLOSA

**Art Unit**

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see Remarks page 4, filed 12/22/2008, with respect to Claims 1, 10, 11, 20, and 21 have been fully considered and are persuasive. The Non-Final Rejection of 6/25/2008 has been withdrawn.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 5 is vague. It is unclear what applicant is trying to claim. It appears applicant is claiming an embodiment where the coil/core will extend beyond the sides of the shield, however Claim 1, as written and argued by applicant in Remarks page 4, filed 12/22/2008, requires that the coil be surrounded on all sides except the front end. Such an extension of the coil/core in Claim 5 would laterally expose the coil. Appropriate clarification and correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, 8, 10, 12-14, 16, 18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbert (US 4,985,922) in view of Zarinetchi (US 6,324,430).
7. Kolbert discloses a system for transmission of power and data signals through a medium with an alternating magnetic field comprising a coil for generating outside the medium with windings (e.g. windings 28; Col. 3, line 9-10), with a front/bottom end directed to the medium and corresponding receiver unit, and a rear/top end that faces away from the medium and corresponding receiver as seen in Fig. 2. It is also seen in Fig. 2, that the coil structure and windings extend longitudinally.
8. Kolbert further discloses an integral shield with a ferromagnetic core that extends longitudinally through the coil as seen in Fig. 2 (e.g. housing 22 and core 26). As seen in Fig. 2, housing member 22, surrounds all sides of the coil except the bottom/front of the coil where only a magnet is placed about the periphery of the housing to hold the unit in place against a metallic medium.
9. Kolbert fails to explicitly teach the use of the transfer system for use with an implanted medical device and the medium being a patient's skin. Zarinetchi teaches that it is known to use an inductively coupled coil system for use in transferring power/data to a medical implant transcutaneously as set forth in the ABSTRACT for providing the predictable results of providing greater patient comfort through non-invasively providing power to an implant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Kolbert with use of the transfer system for use with an implanted medical device and the medium being a

patient's skin since such modifications would provide the predictable results of providing greater patient comfort through non-invasively providing power to an implant.

10. With regard to claim 6, Examiner considers the top of the housing to be a gable wall that is integrally joined with the core and circular cylindrical walls.

11. With regard to claim 8, Kolbert discloses the housing is ferromagnetic (e.g. Col. 3, lines 4-5).

12. Claims 5, 7, 11, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbert in view of Zarinetchi as applied above.

13. With regard to claim 11, Kolbert in view of Zarinetchi fails to disclose the use of two transmitters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Kolbert in view of Zarinetchi with the use of two transmitters since such a modification would provide the predictable results of ensuring efficient recharging of implanted medical device that is located internally and migrates by diametrically opposition of the transmitters such that the implant will be located in between the two and at least one transmitter will be able to more efficiently couple.

14. With respect to claims 5, 7, 15, and 17 Kolbert in view of Zarinetchi disclose the invention as claimed but fails to teach the core longitudinally extending beyond the length of the shield and cut out slots on the sides of the shield. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Kolbert in view of Zarinetchi with providing cut out slots on the side of the shield which would yield a system where the core and coil windings

extend longitudinally beyond the shield for providing the predictable results of providing ventilation for the skin surface and dissipation of any excess heat energy stored within the shield member.

15. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbert in view of Zarinetchi as applied above and in further view of Winkler (US 5,527,348).

16. Kolbert in view of Zarinetchi disclose the invention as claimed, but fails to teach a plastic casing surrounding the shielding that places the coil and core at a distance in the order of centimeters away from the user's hand. Winkler teaches that it is known to use a plastic casing to house the external coil assembly and would place the users hand at a distance on the order of centimeters away from the coil as set forth in Col. 4, line 35-48 and Figs. 1-2 for providing the predictable results of creating a more aesthetically pleasing unit by covering the internal components as well as providing a buffer between the operator's hand and the magnetic field created by the coil. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Kolbert in view of Zarinetchi with the use of a plastic housing that places the coil away from the users hand at a distance of the order of centimeters since such a modification would provide the predictable results of creating a more aesthetically pleasing unit by covering the internal components as well as providing a buffer between the operator's hand and the magnetic field created by the coil.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH STOKLOSA whose telephone number is (571)272-1213. The examiner can normally be reached on Monday-Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R Evanisko/  
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2/24/2008